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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,119	09/26/2000	Takashi Yumiba	2000 1253A	4870

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EXAMINER

CHEN, SHIN HON

ART UNIT PAPER NUMBER

2131

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/670,119

Applicant(s)

YUMIBA ET AL.

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34 and 36-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 34, 36-40 have been examined.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 34, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sogabe et al. U.S. Pat. No. 6611534 (hereinafter Sogabe) in view of Ishiguro et al. U.S. Pat. No. 5917910 (hereinafter Ishiguro).

4. As per claim 34, Sogabe discloses an information recording medium for recording scrambled data from a recording device including scrambled key information, the information recording medium comprising: non-scrambled data including copy control information that is not scrambled (Sogabe: column 9 lines 27-55: the enciphered content includes copy control information, but the copy control information is not enciphered because the CGMS is required to generate the content key used to decrypt the enciphered content); and the scrambled data obtained by scrambling contents data using the scrambled key information (Sogabe: column 9 lines 47-48: encrypt data with contents key), wherein the scrambled key information is generated in the recording device from at least the cipher key information and the copy control information (Sogabe: column 9 lines 27-55: the contents key is generated using the encrypted contents key

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and CGMS). Sogabe does not explicitly disclose storing cipher key information in an information recording medium. However, Ishiguro discloses generating an encryption key based on inherent information inherent in a recording medium (Ishiguro: column 1 line 65 – column 2 line14). It would have been obvious to one having ordinary skill in the art to record the enciphered control key along with encrypted contents key and enciphered data into the gap area of the recording medium because the gap area can store information required to protect data from unauthorized access. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Ishiguro within the system of Sogabe because it provides strong copy protection by forcing playback device to physically read the information recording medium to determine the unique inherent information stored on the recording medium and also apply the key encrypting key cryptographic scheme.

5. As per claim 37, Sogabe discloses a method for reproducing information, the method comprising: reading cipher key information, copy control information that is not scrambled and scrambled content data from an information recording medium (Sogabe: column 9 line 57 – column 10 line 15); generating descrambled key information using at least the cipher key information and the copy control information (Sogabe: column 9 line 57 – column 10 line 15); and descrambling the scrambled content data using the descrambled key information to obtain content data (Sogabe: column 9 line 57 – column 10 line 15). Sogabe does not explicitly disclose storing cipher key information in an information recording medium. However, Ishiguro discloses generating an encryption key based on inherent information inherent in a recording medium (Ishiguro: column 1 line 65 – column 2 line14). It would have been obvious to one

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having ordinary skill in the art to record the enciphered control key along with encrypted contents key and enciphered data into the gap area of the recording medium because the gap area can store information required to protect data from unauthorized access. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Ishiguro within the system of Sogabe because it provides strong copy protection by forcing playback device to physically read the information recording medium to determine the unique inherent information stored on the recording medium and also apply the key encrypting key cryptographic scheme.

6. As per claim 36, Sogabe discloses a method for recording information, the method comprising: reading copy control information that is not scrambled, from content data (Sogabe: column 9 lines 27-55: the enciphered content includes copy control information, but the copy control information is not enciphered because the CGMS is required to generate the content key used to decrypt the enciphered content); generating scrambled key information using at least the cipher key information and the copy control information (Sogabe: column 9 lines 27-55); scrambling the content data using the scrambled key information to obtain scrambled content data (Sogabe: column 9 lines 27-55); and recording the scrambled content data and the unscrambled copy control information onto the information recording medium (Sogabe: column 9 lines 27-55). Sogabe does not explicitly disclose reading cipher key information from an information recording medium. However, Ishiguro discloses generating an encryption key based on inherent information inherent in a recording medium (Ishiguro: column 1 line 65 – column 2 line 14). It would have been obvious to one having ordinary skill in the art to record the

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enciphered control key along with encrypted contents key and enciphered data into the gap area of the recording medium because the gap area can store information required to protect data from unauthorized access. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Ishiguro within the system of Sogabe because it provides strong copy protection by forcing playback device to physically read the information recording medium to determine the unique inherent information stored on the recording medium and also apply the key encrypting key cryptographic scheme.

7. As per claim 38-40, Sogabe as modified discloses the information recording medium according to claims 34, 36, and 37 respectively. Sogabe as modified further discloses wherein the cipher key information on the information recording medium is scrambled (Sogabe: column 9 lines 33-54: the enciphered control key), and the scrambled key information is generated in the recording device from at least the cipher key information that is unscrambled and the copy control information (Sogabe: column 9 lines 44-46).

### ***Response to Arguments***

8. Applicant's arguments filed on 9/22/05 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant argues that combination of Sogabe-Ishiguro would result in negative effect by storing unencrypted control key into the gap area of the recording medium. However, the examiner has combined the references to allow the encrypted control key to be stored along with the encrypted contents key and CGMS into the gap area.

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Therefore, applicant's has misinterpreted the combination of the Sogabe-Ishiguro references to derive a different result thus applicant's argument is respectfully traversed.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

*cel*  
*Primary Examiner*  
*AV2131*  
*12/1/05*